IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 23477 of 2004**

Between:

S.Kumar, s/o late S.Subba Rao,
MTD Grade II (Now redesignated as CMD (OG) INS Circars, Visakhapatnam r/o D.No.9-325,
Near Government Dairy Farm, Visakhapatnam.

**..... PETITIONER**

AND

1 The Commodore Chief Staff Officer (P&A), Head Quarters, Eastern Naval Command,
Naval Base, Visakhapatnam.
2 Lt. Cdr. Sri A.K.Gulati Inquiry Officer,
Head Quarters, Eastern Naval Command, Naval Base, Visakhapatnam.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of certiorari calling for the records relating to order No.CE/9107/34 dt.17-11-2003 on the file of the respondent and to quash the same as being illegal, arbitrary and violative of Article 14 of the Constitution of India.

**Counsel for the Petitioner: MR.M.VISWANADHAM**

**Counsel for the Respondents: MR.I.KOTI REDDY S.C.FOR CENTRAL GOVT.**

**The Court, at the admission stage, made the following :**

**ORAL ORDER**:

This writ petition is filed challenging the order No.CE/9107/34, dated 17.11.2003 passed by the 1st respondent and

to quash the same.

Heard the learned counsel for the petitioner and the learned standing counsel for Central Government and perused the material on record.

The petitioner has an alternative remedy available under law to challenge the impugned order. Therefore, without entering into the merits of the case, I consider it appropriate to direct the petitioner to file an appropriate application before the Central Administrative Tribunal and the same shall have to be considered. Since there is a delay in filing the necessary application, the same shall have to be considered by the Central Administrative Tribunal sympathetically.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

7th March, 2005

bcj

To

1 The Commodore Chief Staff Officer (P&A), Head Quarters, Eastern Naval Command,
Naval Base, Visakhapatnam.
2 Lt. Cdr. Sri A.K.Gulati Inquiry Officer,
Head Quarters, Eastern Naval Command, Naval Base, Visakhapatnam.

3 Two C.D. copies.

Note: Furnish copy by tomorrow

B/o

bcj